

10/524793

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Applicants: Kenneth M. Evans
Application Number: 10/524,793
Filed: February 15, 2005
Title: High Resolution Flow Cytometer
TC/AU:
Examiner:

International Application No: PCT/US2003/025812, Filed 15 August 2003
Original US Application: 60/404,279, Filed 15 August 2002

Assignee: XY, Inc.
Attorney Docket: XY-Hypodermic-USNP
Customer No. 33549

DECLARATION FOR PATENT APPLICATION

I, Kenneth M. Evans, hereby declare that I am a citizen of the United States of America and that my residence and mailing address is 3206 Liesl Court, College Station, TX 77845-6311, US. I also declare that I am the original, first inventor and sole inventor of the subject matter which is variously claimed and for which a patent is sought on the invention now entitled "High Resolution Flow Cytometer," the specification, and any amendment, of which has been provided to me at or prior to the time of signing this declaration. I have reviewed and understand the contents of this specification as above entitled, including any claims, and any amendment.

I hereby claim the benefit under Title 35, United States Code §119 of US Provisional Application 60/404,279, filed August 15, 2002.

I also hereby claim the benefit under Title 35, United States Code §365 of PCT International Application Number PCT/US2003/025812, filed August 15, 2003. To the extent applicable, I have identified in the request of the PCT application, in compliance with PCT Rule 4.10, any claim to foreign priority and I have identified above by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which priority is claimed. To my knowledge, there are no foreign applications having a filing date before that of the application on which priority is claimed.

I hereby declare that the specification and disclosure herein submitted are intended to include

disclosure or claims directed to, individually or in combination: embodiments of the invention which may encompass a device, apparatus, method, process, or business method; embodiments of the invention which may encompass permutations or combinations of any aspects of the invention; any aspect of the invention conceived or developed as separate inventions; and any aspect of the invention independent of any initial context considered as preferred embodiments. I also authorize and support this application for patent protection in the United States, and for similar protection in foreign countries, each to be sought to the extent or breadth any owner desires or deems appropriate. I acknowledge that each of the attorneys and the firm filing this application are attorneys for the assignees, XY, Inc., only.

I acknowledge the duty to disclose information which is material to the examination of any US application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a). I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any US application or any US patent issued thereon.

Further, I hereby grant the firm of Santangelo Law Offices, P.C., the power to insert on this Declaration or any other document any further identification which may be necessary or desirable in order to indicate filing information or to comply with the rules of the United States Patent Office or any foreign patent office for recordation of this document, including, but not limited to, inserting the application number, the execution date, mailing information, or the filing date of any application based upon the Invention.

Date:

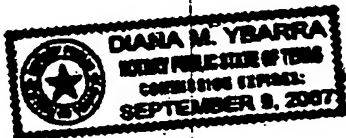
10/19/05

Kenneth M. Evans

UNITED STATES OF AMERICA)
STATE OF TEXAS)ss.
COUNTY OF GRIMES)

SUBSCRIBED AND SWORN to before me in the County of Grimes, State of Texas, United States of America, by Kenneth M. Evans, this 19 day of October, 2005.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Texas.



Diana M. Ybarra
Notary Public

My Commission Expires:

Sept. 9, 2007